CANCELLED

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO: 959//2001

Smt. Manju Verma : PETITIONER
W/o. Shri Indra Dev Verma,
Aged about 30 years,
President of Janpad Panchayat
Resident of Tahsil-Palari
Dist : Raipur(Chhattisgarh)

VERSUS

1) State of Chhattisgarh : RESPONDENTS
Through The Secretary
Panchayat & Gramin Vikas
D.K. Bhawan, Raipur

2) The Collector,
Raipur

3) The Chief Executive Officer
Janpad Panchayat-Palari
District-Raipur

P. R. No. P.R. 992/2001
Presented by Shri R.S. Jaiswal
dated 19.6.01

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

The petitioner above named beg to submit as under:-

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P. No. 959/2001 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

15/3/2002

Shri R.S. Jaiswal for the petitioner.

Dr.N.K. Shukla, Addl.Advocate General, with Shri Gautam Bhaduri, Govt.Advocate, for the State.

Shri P.P. Sahu for respondent no.3.

Shri Awadh Tripathi for the intervener Asharam.

Heard on I.A.No.507/2002.

The application is allowed. Intervener is permitted to intervene in the petition.

Also heard finally.

Learned counsel for the petitioner submits that when the decision of motion of no confidence was taken, there was no material before the Collector to satisfy under rule 3(3) of the M.P. Panchayat (Gram Panchayat ke Sarpanch Tatha Up Sarpanch, Janpad Panchayat Tatha Zila Panchayat ke President Tatha Vice President ke Virudh Avishwas Prastav). It is also submitted that 19 persons were taken by Shri Chandrakar, M.L.A., and

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**आदेश पत्रक**

W.P. No. 959/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित — 2 — | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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Shri Bhardwaj, M.L.A., and they all voted on the date of voting and the petitioner had opposed.

On the other hand, learned counsel for the respondents submits that the Collector after due satisfaction taken the decision of no confidence motion. It is submitted that the satisfaction is/apparent as in the meeting ~~the~~ 19 persons voted in favour of no confidence and it is stated that 5 persons voted against no confidence. The petitioner had also participated in the meeting. Minutes have been duly recorded. The contention is well-merited

So far as the detention of persons is concerned, only two persons namely Basan Bai and Madanlal Sahu have filed affidavits dated 10/7/2001 and 7/10/2001 respectively and they have voted against the motion of no confidence in favour of the petitioner. It is therefore apparent that/these persons were/detained but the detention had no effect on them

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# आदेश पत्रक

मामला क्रमांक W.P No. 959/2001 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित — 3 — | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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Be that as it may, so far as the present matter is concerned, the aforesaid MLAs have not been joined as party respondents.

Having considered the facts and circumstances as discussed hereinabove and material available on record and in view of the fact that no confidence motion has been passed in the majority of 19 votes, in the opinion of this Court, no case for interference under Article 226 of the Constitution of India is made out.

The petition fails and is dismissed.

Sd/-
Fakhruddin
Judge

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